

# EXHIBIT B

*Legal Counsel.*

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Dinsmore

December 10, 2020

Jeffery C. Joyce  
Eaton Peabody  
100 Middle Street  
PO Box 15235  
Portland, MA 04112-5235

**Re: QUEEN OF GREENS**

Dear Mr. Joyce:

This letter responds to the correspondence on behalf of Ippolito Fruit and Produce Limited (“**Ippolito**”) concerning the use of QUEEN OF GREENS by our client, Mastronardi Produce Limited (“**Mastronardi**”).

Regarding Ippolito’s claim to exclusive rights to, or a likelihood of confusion with, QUEEN alone or in combination with VICTORIA, that claim comes too late as there are already several other “QUEEN” marks registered for use with relevant goods. GARDEN QUEEN (see example at right, which also happens to be green) is registered for use with fresh fruits and vegetables. HARVEST QUEEN is registered for fresh tomatoes and claims use since 1961. And DESERT QUEEN has been registered since 1970 for use with fresh vegetables. Other QUEEN marks also include the identical QUEEN OF GREENS, which is registered for use in connection with reviews of organic products, and QUEEN GREEN, which was registered for use with lentils in class 31. There is also a QUEEN OF GREENS tea.




Source: <https://www.clipper-teas.us/product/organic-fairtrade-queen-of-greens/>

Certainly, if anyone, including Ippolito had legitimate claim to exclusive rights to QUEEN the landscape would look quite different. But the facts are that relevant “QUEEN” marks have co-

existed for some time. There is also no good reason why QUEEN VICTORIA should now choose to disregard (or at least relegate) the dominant part of its mark, VICTORIA, while also claiming exclusivity to QUEEN, over one or more of these other marks.

We also disagree with the likelihood of confusion analysis of the letter for a least the reason that it was divorced from any comparison of the packaging for, or commercial impressions of, the products. To help address that omission, the table below displays a selection of Mastronardi products, Ippolito products, and third party products. The third party products are provided not because they display the relevant wording, although many do use GREENS, but rather merely as examples of the packaging now available in the marketplace.

<p><b>Mastronardi</b></p> 	<p><b>Third Party</b></p> 	<p><b>Ippolito</b></p> 	<p><b>Ippolito</b></p> 
<p><b>Mastronardi</b></p> 	<p><b>Third Party</b></p> 	<p><b>Ippolito</b></p> 	<p><b>Third Party</b></p> 
<p><b>Mastronardi</b></p> 	<p><b>Third Party</b></p> 	<p><b>Ippolito</b></p> 	<p><b>Ippolito</b></p> 



Looking at the packaging as it would be encountered by the consumer—which is the relevant review for purposes of any likelihood of confusion analysis—the Mastronardi packaging is not likely to be confused with the Ippolito products. The strong distinguishing differences include, at least:

- **Overall Impression:** No one can seriously argue that Ippolito's packaging looks anything like Mastronardi's packaging. Mastronardi's packaging is artistic, with curved lines, bright colors, a person's face, and bold print. By comparison, Ippolito's packaging is similar to many others in the market, almost informational in design, with the branding centrally positioned, and generally unadorned.
- **Branding:** On the Mastronardi packaging QUEEN is positioned above GREEN, so that a consumer sees the vertically aligned EEN lettering, with the whole being offset in bold letters to the top left. The word QUEEN is also displayed in the same size, color, and type of font as GREEN. The Ippolito products has all branding centered in the middle of the pack. QUEEN OF GREENS is also three words, not two, and the phrase itself fails to conjure up any association with QUEEN VICTORIA – who was obviously a famous historical figure. We also reiterate that the dominant part of Ippolito's mark is VICTORIA and not QUEEN, especially since the term QUEEN is also used at least in part by others.
- **Color:** Ippolito's products, and indeed many third party products, feature various shades of purple, while Mastronardi's products are bright reds, yellow, and blues.
- **Character:** Mastronardi's products feature the face, head and shoulders of a female character with green hair and green accessories – the green queen. Ippolito's packaging does not displays any figure, let alone a distinctive green haired woman.

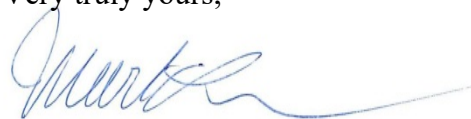
Frankly, looking at the packaging, as it would be encountered by a consumer, the Mastronardi

packages are actually more similar to some of the third party packages (in view of the colors and arrangement) than anything produced by Ippolito.

The above comments and remarks are preliminary, and not intended to constitute and complete and comprehensive reception of all of Mastronardi's claims and/or defenses. Mastronardi may assert additional and/or other material claims and/or defenses and it expressly reserves all rights. However, Mastronardi does not share Ippolito's concerns over the QUEEN OF GREENS. Mastronardi is willing to discuss this matter and explore if anything more should be done to address Ippolito's concerns.

You are welcome to call me to discuss this matter further. As a note, I will not be available from December 23, 2020 through December 28, 2020.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Mark D. Schneider', with a long horizontal flourish extending to the right.

Mark D. Schneider

mds/  
cc.